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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/084,007

02/27/2002

Gary Lomp

I-2-0096.3US

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07/25/2006

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EXAMINER

HA, DAC V

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/084,007 | Applicant(s) LOMP ET AL. | |
| | Examiner Dac V. Ha | Art Unit 2611 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the RCE filed on 03/22/06, which is after the NOA.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 15-42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The added claimed subject matter "wherein a required signal to interference ratio (SIR) for the traffic channel and the reverse control channel differ" in independent claims 15, 29 and "wherein the adjusted transmission power level for the traffic channel and the reverse control channel differ" in independent claims 21, 35 are new matter.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 15-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann, Jr. (US 5,604,730) hereafter Tiedemann) in view of Walton, Jr. et al. (US 5,621,723) (hereafter Walton).

Regarding claim 15, Tiedemann discloses all the claimed subject matter "receiving by the subscriber unit a power control bit on a downlink control channel, the power control bit indicating either an increase or decrease in transmission power level; transmitting a plurality of channels by the subscriber unit, the plurality of channels including a traffic channel and a reverse control channel; in response to the received power control bit, adjusting a transmission power level of both the traffic channel and the reverse control channel" "and transmitting the traffic channel and the control channel at their respective adjusted transmit power levels" in Abstract; col. 1, line 35 to col. 3, line 67; col. 4, line 53 to col. 5, line 38; col. 5, line 64 to col. 8, line 32; col. 9, lines 12-48.

Tiedemann differs from the claimed invention in that Tiedemann doesn't teach "wherein a required signal to interference ratio (SIR) for the traffic channel and the reverse control channel differ". Tiedemann, through out its disclosure, indicates that channel quality (i.e. interference, error rate, data rate, ect. (col. 5, line 64 to col. 6, line 47)) dictates the transmission power for the channel. Walton, in the same field of endeavor, discloses the claimed subject matter "wherein a required signal to interference ratio (SIR) for the traffic channel and the reverse control channel differ" in col. 6, lines 30-33.

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time of the invention, to take into consideration of such difference between the traffic channel and control channel, as disclosed in Walton, into Tiedemann to further maximize the power control efficiency in the system.

Regarding claim 29, see claim 1.

Regarding claim 21, see claim 1 above. Further, based on the above, the claimed subject matter "the adjusted transmission power level for the traffic channel and the reverse control channel differ" would have been logically realized by one skilled in the art.

Regarding claim 35, see claim 21.

Regarding claims 16-20, 22-28, 36-42, these claimed subject matter would have been obvious to one skilled in the art as design preference and application specific.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Walton, Jr. et al. (US 5,621,723) discloses Power Control In A CDMA Network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dac V. Ha whose telephone number is 571-272-3040. The examiner can normally be reached on 5/4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-3086. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Dac V. Ha', with a long horizontal line extending to the right.

Dac V. Ha
Primary Examiner
Art Unit 2611